



Docket No. 67,200-616  
U.S. Patent Application Serial No. 10/043,023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

• *In re* Application of : Willys Choi  
Serial No. : 10/043,023 Art Unit No. 2877  
Filing Date : 01/08/2002  
Invention Title: PHOTORESIST MIST AND AUTO DETECTION SYSTEM  
Examiner : Hoa Q. Pham

**DECLARATION PURSUANT TO 37 C.F.R. § 1.131**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

Sir:

I, Willys Choi, hereby declare as follows:

1. This declaration is made to establish completion of the invention in the present application identified above in the United States, at a date prior to September 19, 2001, which is the effective filing date of U.S. Patent No. 6,493,078 B1 to Fitzsimmons et al cited in the Office Action dated March 22, 2004
2. Willys Choi is the sole inventor of the invention described and claimed in the above-identified patent application entitled "Photoresist Mist Auto Detection System".
3. Willys Choi is the sole inventor of the embodiment of the invention disclosed in the above-identified patent application, Claims 1-13, 15-27 and 29-32.

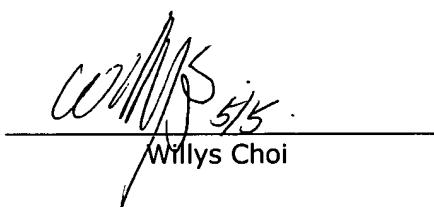
4. The invention of Claims 1-13, 15-27 and 29-32 was completed by Declarants in the country of Taiwan prior to September 19, 2001, the effective filing date of U.S. Patent No. 6,493,078 B1 to Fitzsimmons et al. (the "Fitzsimmons patent"), as evidenced by the attached Exhibits A.
5. As seen in Exhibits A, the present invention was reduced to practice at least as early as 4/26/01. Exhibit A is an Invention Disclosure dated 4/26/01, which outlines the invention disclosed in U.S. Patent Application No. 10/043,023 filed on January 8, 2002. The invention disclosure of Exhibit A shows, for example, a PR cup, including a transparent material which can be quartz or glass.
6. The invention described by Claims 1-13, 15-27 and 29-32 recites features such as a "transparent material". These aspects of the present invention are illustrated in Exhibit A as discussed in paragraph 5 above.
7. We declare that it is our regular practice to record the information found in Exhibits A for all devices fabricated or manufactured by the assignee, TS177C, as a means to document the actual fabrication and results. Any information redacted in Exhibits A were made prior to September 19, 2001 and constitute confidential and proprietary or otherwise trade secret information which is not necessary for one of skill in the art to manufacture, use or sell the invention as disclosed in the present specification.
8. We do not know, and do not believe, that this invention has been in public use or on sale in this country, or patented or described in a printed publication, in this or in a foreign country, for more than one year prior to the filing of our patent application.
9. We verify that Claims 1-13, 15-27 and 29-32 were reduced to practice at last as early as 4/26/01.

10. We never abandoned this invention, and we exercised due diligence from prior to 4/26/01, to the filing of the above-identified patent application.

11. This declaration is submitted prior to final rejection.

12. The undersigned declare further that all statements made herein are of their own knowledge are true and that all statements made on information and belief are believed to be true, and further, that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: May 5, 2004

  
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Willys Choi